

Theodore J. Folkman

From: Connie Dai <connie@lionslawgroup.com>
Sent: Thursday, May 30, 2024 10:19 AM
To: Theodore J. Folkman
Cc: 'Tim Cutler'; Yun Cheng
Subject: [EXTERNAL] Re: Docs

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Hi Ted,

This is the response to your letter dated 5/8 with regards our client's response to a few of your Request For Interrogatories. It also addresses your questions on Massachusetts court's recognition of the Chinese judgment.

With regards to our client's response to Interrogatory No. 4, we maintain that we continue to opine that Massachusetts law applies as to, at minimum, the counts against Mrs. Linda Sun. My client reserves the right to supplement this response before the trial.

We maintain our objection to Interrogatory No. 6 as to the defective translation of the Chinese judgment. The English translation for the certified copy of the Chinese judgment contains some incorrect or inaccurate translation. I will be able to provide a list to you next week. I also do not see the certificate of translation. In addition, contents on some pages of the order (in Chinese) are not complete, and sentences are cut on the far right. They are page 2, 3, 6, 8, 10, 12, 14 and 16.

Meanwhile, this judgment cannot be recognized for lack of reciprocity according to G.L. c.235, Section 23A. Massachusetts has this long standing policy of recognizing and enforcing a foreign judgment only of a foreign state that has recognized Massachusetts' judgment. In less than a decade history of Chinese court's recognition and enforcement of judgment from the US courts, only a few have been recognized and enforced by the Chinese courts, no such US judgment are issued by any Massachusetts court. The lack of reciprocity is a mandatory ground for non-recognition.

In addition, even if the Chinese judgment is recognized by the Federal District Court here, the claim most likely cannot be precluded based on the res judicata in Massachusetts.

Best,

Connie

On 5/27/2024 8:14 PM, Theodore J. Folkman wrote:

Hi, Connie, checking in on this. I would really like to get the answer to these questions so I can understand your case.

Thanks,

Ted

From: Connie Dai <connie@lionslawgroup.com>
Sent: Tuesday, May 21, 2024 5:33 PM
To: Theodore J. Folkman <TFolkman@rubinrudman.com>
Subject: [EXTERNAL] Re: Docs

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Ted, I am not ignoring your request. We have a couple of transactions to complete the past and early this week, which delayed this assignment. Will circle back to you either by phone or email this week.
Connie

On 5/10/2024 3:54 PM, Theodore J. Folkman wrote:

Hi, Connie,

Thanks for the call today. Here are the documents I referenced—the fully authenticated versions of the Chinese judgment and the certificate of enforceability.

Early next week, would you please send me some times we could speak about the matters I raised in my letter? As I mentioned on the phone, what I am really getting at is this: now that the judgment has been fully authenticated and all the necessary certificates have been obtained, is there any other reason why you say the judgment should not be recognized in Massachusetts? If so, what are they, and why? For your reference, the judgment recognition statute, G.L. c. 235, § 23A requires that the judgment must be final and conclusive, and it contains a list of seven reasons why a judgment should not be recognized. Which of these reasons, if any, do you say apply, and if so, what is your factual basis?

Thanks, I look forward to speaking next week

Best,

Ted

Theodore J. Folkman
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